

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GREGORIA MATA, *et al.*,

Plaintiffs

v.

Civ. No. 04-1334 ACT/RLP

MIKE BRISENO, *et al.*,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the court on Plaintiff Gregoria Mata's Motion for Sanctions. For the reasons set forth below, the motion is denied.

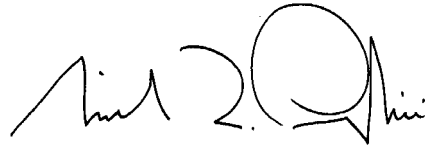
Mata submitted Requests for Admissions to Briseno. Briseno denied two of the requests. Mata argues that the denials are "lies" and therefore she is entitled to sanctions because the court had previously ordered Briseno to respond to Mata's Requests for Admissions. See Memorandum Opinion and Order [Doc. 19].

In his response, Briseno points out that counsel for Mata failed to confer with counsel as required by D.N.M. LR-CV 7.49(a). Briseno states that had counsel conferred, he would have found out that Request for Admission 4 contained a typographical error which rendered an admission impossible and that Request for Admission 5 was "far too inclusive" and the request could have been admitted had it been narrowed.

Mata did not file a Reply so the court takes these arguments as true. Counsel for Briseno should also note that Fed.R.Civ.P. 36 would have allowed an explanation for the denial. Counsel for the parties shall, in the future, follow D.N.M. LR-CV 7.49(a).

IT IS THEREFORE ORDERED that Plaintiff's Motion for Sanctions [Doc. 27] is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Richard L. Puglisi', written above a horizontal line.

Richard L. Puglisi
United States Magistrate Judge